

108TH CONGRESS
1ST SESSION

S. 1740

To amend the September 11th Victim Compensation Fund of 2001 (Public Law 107–42; 49 U.S.C. 40101 note) to provide compensation for the United States Citizens who were victims of a terrorist-related laboratory-confirmed anthrax infection in the United States during the period beginning on September 13, 2001, through November 30, 2001, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2003

Mr. LEAHY (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. CORZINE, Ms. MIKULSKI, Mr. SARBANES, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the September 11th Victim Compensation Fund of 2001 (Public Law 107–42; 49 U.S.C. 40101 note) to provide compensation for the United States Citizens who were victims of a terrorist-related laboratory-confirmed anthrax infection in the United States during the period beginning on September 13, 2001, through November 30, 2001, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anthrax Victims Fund
5 Fairness Act of 2003”.

6 **SEC. 2. REFERENCES.**

7 Except as otherwise expressly provided, wherever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-
10 sion, the reference shall be considered a reference to the
11 September 11th Victim Compensation Fund of 2001
12 (Public Law 107–42; 49 U.S.C. 40101 note).

13 **SEC. 3. COMPENSATION FOR VICTIMS OF TERRORIST ACTS.**

14 (a) **DEFINITIONS.**—Section 402(6) is amended by in-
15 serting “or related to a terrorist-related laboratory-con-
16 firmed anthrax infection in the United States during the
17 period beginning on September 13, 2001, through Novem-
18 ber 30, 2001” before the period.

19 (b) **PURPOSE.**—Section 403 is amended by inserting
20 “or as a result of a terrorist-related laboratory-confirmed
21 anthrax infection in the United States during the period
22 beginning on September 13, 2001, through November 30,
23 2001” before the period.

24 (c) **DETERMINATION OF ELIGIBILITY FOR COM-**
25 **PENSATION.**—

1 (1) CLAIM FORM CONTENTS.—Section
2 405(a)(2)(B) is amended—

3 (A) in clause (i), by inserting “or as a re-
4 sult of a terrorist-related laboratory-confirmed
5 anthrax infection in the United States during
6 the period beginning on September 13, 2001,
7 through November 30, 2001” before the semi-
8 colon;

9 (B) in clause (ii), by inserting “or ter-
10 rorist-related laboratory-confirmed anthrax in-
11 fection” before the semicolon; and

12 (C) in clause (iii), by inserting “or ter-
13 rorist-related laboratory-confirmed anthrax in-
14 fection” before the period.

15 (2) LIMITATION.—Section 405(a)(3) is amend-
16 ed by striking “2 years” and inserting “3 years”.

17 (3) COLLATERAL COMPENSATION.—Section
18 405(b)(6) is amended by inserting “or as a result of
19 a terrorist-related laboratory-confirmed anthrax in-
20 fection in the United States during the period begin-
21 ning on September 13, 2001, through November 30,
22 2001” before the period.

23 (4) ELIGIBILITY.—

24 (A) INDIVIDUALS.—Section 405(c)(2) is
25 amended—

1 (i) in subparagraph (B), by striking
2 “or” after the semicolon;

3 (ii) in subparagraph (C)—

4 (I) by striking “or (B)” and in-
5 serting “, (B), or (C)”; and

6 (II) striking “(C)” and inserting
7 “(D)”; and

8 (iii) by inserting after subparagraph
9 (B) the following:

10 “(C) an individual who suffered physical
11 harm or death as a result of a terrorist-related
12 laboratory-confirmed anthrax infection in the
13 United States during the period beginning on
14 September 13, 2001, through November 30,
15 2001; or ”.

16 (B) REQUIREMENTS.—Section 405(c)(3) is
17 amended—

18 (i) in the heading for subparagraph
19 (B) by inserting “RELATING TO SEP-
20 TEMBER 11TH TERRORIST ACTS” before the
21 period; and

22 (ii) by adding at the end the fol-
23 lowing:

24 “(C) LIMITATION ON CIVIL ACTION RELAT-
25 ING TO OTHER TERRORIST ACTS.—

1 “(i) IN GENERAL.—Upon the submis-
2 sion of a claim under this title, the claim-
3 ant waives the right to file a civil action
4 (or to be a party to an action) in any Fed-
5 eral or State court for damages sustained
6 as a result of a terrorist-related laboratory-
7 confirmed anthrax infection in the United
8 States during the period beginning on Sep-
9 tember 13, 2001, through November 30,
10 2001. The preceding sentence does not
11 apply to a civil action to recover any collat-
12 eral source obligation based on contract, or
13 to a civil action against any person who is
14 a knowing participant in any conspiracy to
15 commit any terrorist act.

16 “(ii) PENDING ACTIONS.—In the case
17 of an individual who is a party to a civil
18 action described in clause (i), such indi-
19 vidual may not submit a claim under this
20 title unless such individual withdraws from
21 such action by the date that is 90 days
22 after the date on which regulations are
23 promulgated under section 4 of the An-
24 thrax Victims Fund Fairness Act of 2003.

1 “(D) INDIVIDUALS WITH PRIOR COM-
2 PENSATION.—

3 “(i) IN GENERAL.—Subject to clause
4 (ii), an individual is not an eligible indi-
5 vidual for purposes of this subsection if
6 that individual, or the estate of that indi-
7 vidual, has received any compensation from
8 a civil action or settlement based on tort
9 related to a terrorist-related laboratory-
10 confirmed anthrax infection in the United
11 States during the period beginning on Sep-
12 tember 13, 2001, through November 30,
13 2001.

14 “(ii) EXCEPTION.—Clause (i) shall
15 not apply to compensation received from a
16 civil action against any person who is a
17 knowing participant in any conspiracy to
18 commit any terrorist act.”.

19 (C) INELIGIBILITY OF PARTICIPANTS AND
20 CONSPIRATORS.—Section 405(c) is amended by
21 adding at the end the following:

22 “(4) INELIGIBILITY OF PARTICIPANTS AND
23 CONSPIRATORS.—An individual, or a representative
24 of that individual, shall not be eligible to receive
25 compensation under this title if that individual is

1 identified by the Attorney General to have been a
2 participant or conspirator in a terrorist-related lab-
3 oratory-confirmed anthrax infection in the United
4 States during the period beginning on September
5 13, 2001, through November 30, 2001.”.

6 **SEC. 4. REGULATIONS.**

7 Not later than 90 days after the date of enactment
8 of this Act, the Attorney General, in consultation with the
9 Special Master, shall promulgate regulations to carry out
10 the amendments made by this Act, including regulations
11 with respect to—

12 (1) forms to be used in submitting claims under
13 this Act;

14 (2) the information to be included in such
15 forms;

16 (3) procedures for hearing and the presentation
17 of evidence;

18 (4) procedures to assist an individual in filing
19 and pursuing claims under this Act; and

20 (5) other matters determined appropriate by
21 the Attorney General.

○